



Real Estate Council of Ontario

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**IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE  
*REAL ESTATE AND BUSINESS BROKERS ACT, 2002, S.O. 2002, c. 30, Sch. C***

**BETWEEN:**

**REAL ESTATE COUNCIL OF ONTARIO**

**- AND -**

**GIORGIO BEGHETTO**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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Subject to Rule 4.02 of the Discipline and Appeals Committee Rules of Practice (*REBBA 2002*), I, the Chair of the Discipline Committee (*REBBA 2002*) have reviewed and considered the Agreed Statement of Facts and Penalty together with the Waiver of Hearing submitted by the Parties to this proceeding and provide the following Order:

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**FINDINGS:** In violation of Sections 4, 5, 21(1) and 38 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$6,000.00 payable to RECO on or before September 30, 2019.

**WRITTEN REASONS:**

**REASONS FOR DECISION**

**INTRODUCTION**

This matter proceeded on the basis of an Agreed Statement of Facts and Penalty and Waiver of Hearing, pursuant to Rule 4.02 of the Rules of Practice (*REBBA 2002*).

The Agreed Statement of Facts and Penalty read:

**AGREED STATEMENT OF FACTS AND PENALTY**

1. Giorgio Beghetto (“Beghetto”) is registered as a salesperson under the *Real Estate and Business Brokers Act, 2002*.

2. On or about April 12, 2016, Seller A listed for sale the residential property located at 1-A Street, City A (“Property”).
3. On or about April 18, 2016, Buyer A (“Complainant”), who was represented by Beghetto, made an offer to purchase the Property. Still on or about April 18, 2016, the Seller agreed to sell the Property to the Complainant.
4. After taking possession of the Property the Complainant discovered that the Property included Kitec plumbing, and that he was being required to replace it by the condominium corporation.

### **SUMMARY OF AGREEMENTS**

**It is agreed that Beghetto failed to comply with the Code of Ethics (“Code”) as follows:**

- A. Failed to determine that the Property had Kitec plumbing, a material fact, and advise the Complainant on same, contrary to sections 4, 5, 21(1), and 38 of the Code.

**It is agreed that Beghetto failed to comply with the following sections of the Code of Ethics:**

#### **Best Interest**

4. A registrant shall promote and protect the best interests of the registrant’s clients.

#### **Conscientious and competent service, etc.**

5. A registrant shall provide conscientious service to the registrant’s clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

#### **Material facts**

21(1). A broker or salesperson who has a client in respect of the acquisition or disposition of a particular interest in real estate shall take.

#### **Error, misrepresentation, fraud, etc.**

38. A registrant shall use the registrant’s best efforts to prevent error, misrepresentation, fraud, or any unethical practice in respect of a trade in real estate.

## **AGREED PENALTY**

**GIORGIO BEGHETTO**], the Respondent, be ordered to pay a penalty of \$6,000.00 on or before September 30, 2019.

By initials below, I, **GIORGIO BEGHETTO**, acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.

*[Respondent's Initials]*

By initials below, I, **GIORGIO BEGHETTO**, agree, understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

*[Respondent's Initials]*

By initials below, I, **GIORGIO BEGHETTO**, acknowledge that I exercised my right to be represented by Counsel or agent in this matter.

*[Respondent's Initials]*

By signature below, the Parties agree, acknowledge, understand and consent to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

[The Agreed Statement was duly signed by the Parties.]

### **DECISION OF THE CHAIR**

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee (*REBBA 2002*) concluded that the Respondent breached Sections 4, 5, 21(1) and 38 of the *REBBA 2002* Code of Ethics. The Chair of the Discipline Committee (*REBBA 2002*) is also in agreement with the joint submission of the Parties as to penalty and accordingly makes the following order:

1. **GIORGIO BEGHETTO** is Ordered a Fine of \$6,000.00 payable to RECO on or before September 30, 2019.

*[Released: September 23, 2019]*